

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.Nos.37029 & 37098/2016 & CMP.No.31836/2016 in
WP.No.37029/2016 & CMP.No.31890/2016 in WP.No.37098/2016

- 1.Pazhaniammal
- 2.Malliga
- 3.Thangamani
- 4.Marimuthu
- 5.Kondaiyaraj
- 6.Rani

.. Petitioners in
both the writ petitions

Vs.

- 1.The District Collector
Erode.
- 2.The Revenue Divisional Officer
Erode.
- 3.The Revenue Tahsildar
Erode.
- 4.M.mani
- 5.K.A.Thangamuthu

.. Respondents
in both the writ petitions

PRAYER :- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus pertaining to the order of the 1st respondent in Na.Ka.No.55025/2005/C2 dated 28.04.2008 and

Pa.Mu.No.32259/2015/C2 dated 18.12.2015 respectively and quash the same as illegal, ultravires and unconstitutional and direct the 1st respondent to conduct a fresh enquiry.

For Petitioners in
both the writ petitions : Mr.D.Rajagopal

For R1 to R3 in both
the writ petitions : Mr.A.N.Thambi Durai
Special Government Pleaer

COMMON ORDER

Heard the learned counsel for the petitioners and Mr.A.N.Thambi Durai, learned Special Government Pleader appearing for the respondents 1 to 3 in both the writ petitions and with the consent on either side, the writ petitions are taken up for final disposal.

2 The writ petition in WP.No.37029/2016 has been filed by the petitioners, challenging the order of the 1st respondent dated 28.04.2008 in rejecting the petitioners' plea / request, viz., not to grant any C-Form License to the 4th respondent for running a theatre in their lands. Further, such an order was passed by the 1st respondent after taking into consideration all the aspects. It is seen that the petitioners have once again filed WP.No.37098/2016, challenging the order of the 1st respondent dated 18.12.2015, in and by which, the 1st respondent

has rejected the question of re-enquiry as pleaded by the petitioners on the ground that the District Collector has already conducted a detailed enquiry and has passed an order dated 28.04.2008, in compliance of the order passed by this Court, in WP.No.27871/2012 dated 15.09.2015.

3 When the matter was taken up for hearing on 29.11.2016, it was brought to the notice of this Court, by the learned Special Government Pleader appearing for the respondents 1 to 3 that as against the impugned order dated 28.04.2008, an appeal has been preferred by the petitioners before the Additional Commissioner, Land Administration, Chepauk, and the said appeal was dismissed as infructuous on 20.12.2013.

4 When this Court expressed its opinion that the petitioners have approached this Court, once again by filing WP.No.37098/2016, by suppressing the factum of preferring of the appeal and the dismissal of the same, the petitioners sought time to file an affidavit seeking unconditional apology and hence, at their request, the matter was adjourned to today.

5 Today an affidavit dated 23.11.2016 was filed by the 5th petitioner on behalf of him and other petitioners, seeking apology and the reason for not mentioning about the appeal preferred before the Additional Commissioner, Land Administration, Chepauk, Chennai, and the dismissal of the same on 20.12.2013, is that he has been entrusted the filing of the case to another advocate and hence, he has not mentioned the same.

6 Though an affidavit seeking apology dated 23.11.2016, has been filed before this Court, this Court is of the considered view that filing of the above writ petitions are nothing but abuse of process of Court. The reason stated even in the apology affidavit is wrong and really he has not repented for the mistake. Further, the petitioners have not challenged the order dated 20.12.2013 dismissing the appeal preferred by them. Hence, to meet the ends of justice, this Court feels that it would be appropriate for the petitioners to pay cost.

7 Accordingly, the writ petitions are dismissed with cost of Rs.5,000/- [Rupees Five Thousand only] in each case and the petitioners are directed to pay the cost to the Tamil Nadu Mediation and

Conciliation Centre, High Court, Madras, within a period of seven days from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are also dismissed.

8 Post the matter for reporting compliance on 09.12.2016.

30.11.2016

NOTE: Issue order copy today [30.11.2016]

AP

To

1. The District Collector
Erode.
2. The Revenue Divisional Officer
Erode.
3. The Revenue Tahsildar
Erode.

B.RAJENDRAN, J.,
AP

W.P.Nos.37098 & 37029/2016

30.11.2016

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